

JAMAICA

No. 5 – 2008

I assent,

[L.S.]

  
Governor-General

12<sup>th</sup> June, 2008

AN ACT to Amend the Firearms Act; and to Validate and Confirm all acts or things done in good faith pursuant to the Firearms (Amendment) Act, 2005, in advance of its having been brought into operation; to discharge and indemnify the bodies purporting to act as the properly constituted Firearms Licensing Authority and the Review Board, respectively, and all other persons against all consequential liability and actions; and for connected matters.

WHEREAS the Firearms (Amendment) Act, 2005, (hereinafter referred to as the “amending Act”) provides *inter alia* for the establishment of the Firearms Licensing Authority to deal with

applications for firearm licences, certificates and permits and a Review Board to *inter alia* hear, receive and examine the evidence in appeals relating to applications for firearm licences, certificates and permits:

AND WHEREAS the Act was passed into law as Act No. 26 of 2005 with effect from November 30, 2005 the date of publication of notification of the assent of the Governor-General which had been given on October 13, 2005:

AND WHEREAS section 1 of the amending Act specifies that the Act shall come into operation on a date to be appointed by the Minister by notice published in the *Gazette*:

AND WHEREAS the Minister by notice dated February 24, 2006, appointed March 1, 2006, as the date on which the Act should have come into operation, but, inadvertently, that notice was not published in the *Gazette*:

AND WHEREAS successive bodies have in good faith been constituted as the Firearms Licensing Authority and the Review Board and have been operating in the manner set out by the Act during the period from the passage of the Act into law until the date of commencement of this Act:

AND WHEREAS it is desirable to—

- (a) validate and confirm all acts or things done in good faith pursuant to the Firearms (Amendment) Act, 2005, in advance of its having been brought into operation;
- (b) discharge and indemnify the persons purporting to act as the properly constituted Firearms Licensing Authority and the Review Board, respectively, and all other persons against all consequential liability and actions;
- (c) amend the Firearms (Amendment) Act, 2005, to synchronize its coming into operation with that of this Act:

AND WHEREAS having regard to the difficulties encountered because of the expiry of all firearm licences in April in each year it is also desirable to amend section 34 of the Firearms Act to provide for the expiration of firearms licences annually on the licensee's birthday:

[ 13<sup>th</sup> June, 2008 ]

NOW THEREFORE, BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Firearms (Validation and Amendment) Act, 2008, and shall be read and construed as one with the Firearms Act (hereinafter referred to as the "principal Act") and all amendments thereto.

Short title  
and con-  
struction

2.—(1) Notwithstanding anything to the contrary in any enactment, no act or thing done in good faith pursuant to the Firearms (Amendment) Act, 2005, during the period November 30, 2005, to the date of commencement of this Act, shall be treated as having been unauthorized, or unlawfully made, or otherwise illegal or improper, for the reason only that such act or thing was not authorized by any enactment.

Validation  
and  
indemnity  
from suit.

(2) The bodies constituted respectively as the Firearms Licensing Authority, the Review Board and every person acting on behalf of any such body and every other person who is liable to be proceeded against for the reason that the body was constituted in advance of the amending Act having been brought into operation or that any such act or thing is unauthorized, or unlawfully made or otherwise illegal or improper, for any such reason only, are hereby freed, acquitted, discharged and indemnified, as well as against all persons, whatever, from all legal proceedings of any kind in respect of or consequent on any act or thing done in good faith pursuant to the Firearms (Amendment) Act, 2005, in advance of its having been brought into operation.

Amendment  
of section 34  
of principal  
Act.

**3. Section 34 of the principal Act is amended by—**

- (a) deleting subsection (1) and substituting therefor the following—

“ (1) Subject to sections 18, 36 and 46 and to the payment of the appropriate duty prescribed by section 44, every licence shall continue in force for a period which—

- (a) if the licence is granted on the anniversary of the applicant’s birthday (hereinafter referred to as “the relevant birthday”), or during the period of thirty days immediately preceding the relevant birthday, shall expire on the licensee’s fifth birthday next following the relevant birthday; and
- (b) if the licence is granted other than pursuant to paragraph (a), shall expire on the licensee’s fourth birthday next following the date of issue of the licence.”; and

- (b) by inserting next after subsection (3) the following as subsection (4)—

“ (4) For the purpose of determining the expiry date of a licence granted during the thirty days immediately preceding the anniversary of the applicant’s birthday, the licence shall although effective from the date of grant, be deemed to be granted on that anniversary.”.

Amendment  
of section 44  
of principal  
Act

**4. Section 44 of the principal Act is amended by deleting subsection (4) and substituting therefor the following as subsections (4) and (4A)—**

“ (4) The appropriate duty for a licence shall be payable in respect of the period commencing with the date of the grant of the licence and ending with the next succeeding anniversary of the birthday of the holder and thereafter shall be payable in

respect of each successive one year period for which the licence is in force, on or before the anniversary of the holder's birthday occurring at the commencement of the period:

Provided that where a licence is first granted during the period of thirty days immediately preceding the anniversary of the holder's birthday the appropriate duty shall be deemed to apply to the period ending with the next succeeding anniversary of the birthday.

(4A) The appropriate duty for a certificate referred to in subsection (1)(f) shall be payable in respect of the period commencing with the date of the grant of the certificate and ending with the next succeeding 31st day of March and thereafter shall be payable in respect of each financial year in which the certificate is in force and on or before the 30th day of April in that financial year:

Provided that where a certificate is first granted in the month of March in any year the appropriate duty shall be deemed to apply to the period ending on the 31st day of March of the next succeeding year, and thereafter shall be payable in respect of each financial year as aforesaid.”

5. Section 1 of the Firearms (Amendment) Act, 2005, is amended by deleting all the words appearing after the words “come into operation” and substituting therefor the words “on the same date as the Firearms (Validation and Amendment) Act, 2008”.

Modification  
of  
Amendment  
Act.

Passed in the House of Representatives this 29th day of April, 2008.

DELROY CHUCK,  
*Speaker.*

Passed in the Senate this 9th day of May, 2008.

OSWALD G. HARDING  
*President.*

*This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.*

*Clerk to the Houses of Parliament.*

JAMAICA

No. 6 - 2008

I assent,

[L.S.]

(Sgd) Prof. Kenneth D. Hall  
Governor-General.

30<sup>th</sup> June, 2008

AN ACT to Amend the Fire Brigade Act.

[ 1<sup>st</sup> July, 2008 ]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Fire Brigade (Amendment) Act, 2008, and shall be read and construed as one with the Fire Brigade Act (hereinafter referred to as the principal Act) and all amendments thereto.

Short title  
and  
construction.

Amendment  
of Schedule  
to principal  
Act.

**2. The Schedule to the principal Act is amended—**

- (a) in paragraph 1, by deleting the words “seven” and “five” and substituting therefor the words “eleven” and “seven”, respectively;
- (b) in paragraph 8(4), by deleting the word “three” and substituting therefor the word “five”.

Passed in the House of Representatives this 4th day of June, 2008.

DELROY CHUCK  
*Speaker.*

Passed in the Senate this 13th day of June, 2008.

OSWALD HARDING  
*President.*

*This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.*

*Clerk to the Houses of Parliament.*